

9 Official Opinions of the Compliance Board 92 (2014)

- ◆ **PUBLIC BODY – DETERMINED TO BE: TASK FORCE CREATED BY RESOLUTION**
- ◆ **ADVISORY FUNCTION – PERFORMANCE OF DELEGATED FUNCTION TO STUDY A MATTER OF PUBLIC CONCERN**
- ◆ **MINUTES OF OPEN SESSION – GENERALLY – MUST BE GENERATED FOR PUBLIC BODY’S MEETINGS**

*Topic headings correspond to those in the Opinions Index (2010 edition) at <http://www.oag.state.md.us/opengov/openmeetings/appf.pdf>

January 13, 2014

Re: Chestertown Waterfront Task Force
Craig O'Donnell, Kent County News, Complainant

Complainant Craig O'Donnell alleges that the group sometimes called the Chestertown Waterfront Task Force was a public body subject to the Open Meetings Act (the “Act”) and that it met in 2013 without complying with any of the requirements of the Act.

Responding on behalf of the Town, the Town Attorney explained that the President of Washington College, the then-mayor of Chestertown, and a volunteer for the College agreed that the College and the Town should form a joint task force to make recommendations on various issues of mutual interest, including the use of their neighboring parcels of riverfront land, and that the College’s volunteer would serve as Chair. The Town Council then adopted a resolution creating the task force. We glean that the Town Attorney was not consulted about the status of the task force, that the task force’s members were not apprised of its status as a public body subject to the Act, and that the task force indeed met without inviting the public to attend.

Our discussion can be brief. The task force was a public body, because it was created by the Town Council’s resolution, *see* State Government Article (“SG”) § 10-502(h)(1)(ii)(5), and it performed an “advisory function” subject to the Act, because the Town, by formal action, delegated to it the responsibility to “study . . . a matter of public concern or [make] recommendations on the matter. . . .” SG § 10-502(c). Further, the submissions do not establish that the Town Council authorized the task force to perform solely “administrative functions” that might have been

excluded from the Act. We therefore find that the task force violated the Act whenever a quorum of its members convened to discuss public business without providing the public notice required by the Act.¹ The fact that some of the task force's discussions involved the possible acquisition of real property by the Town, a subject that a public body may discuss behind closed doors if it has properly closed a public meeting under SG § 10-508, has no bearing on the task force's obligation to comply with the notice provisions of the Act and to keep minutes of its meetings.

In the past, we have encouraged public bodies that create citizen task forces to make the members aware that their public service includes the duty of openness and then to provide them with the staff necessary to perform the tasks of giving public notice, keeping minutes, and making those records available for public inspection. *See, e.g., 8 OMCB Opinions* 188, 191 (2013). That advice holds true here. As to minutes, we refer the task force to the guidance we gave in *7 OMCB Opinions* 118 (2011), in which we suggested ways in which a public body might generate minutes of meetings at which they were not formally kept.

Open Meetings Compliance Board

Elizabeth L. Nilson, Esq.
Courtney J. McKeldin

¹ This opinion is subject to the procedures set forth at http://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Violator_Procedurespdf.